

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**HARCO, INC'S MOTION
TO BE EXCUSED FROM JUNE 22, 2022 STATUS CONFERENCE**

Harco, Inc., by its counsel, respectfully moves the Court for an order excusing it from attending the June 22, 2022 status conference with the “non-major” Distributor and Manufacturer Defendant Families, and from submitting a status report in advance of the hearing. In support of its motion, Harco states as follows:

1. On April 21, 2022, the Court entered an order setting a status conference on June 22, 2022 with “the ten Distributor and Manufacturer Defendant Families most frequently named in MDL cases” other than the “major” distributor and manufacturer defendants detailed in the Court’s order. Doc. 4380. The Court ordered each Defendant Family attending the status conference to submit a status report by June 20, 2022. *Id.*

2. One of the Distributor Defendant Families identified in the Court’s order is Harco. However, Harco is a member of another defendant family in the MDL: it is a wholly-owned subsidiary of Rite Aid Corporation. Harco distributes to Rite Aid stores in the Southeast, including distribution of Schedule III opioids until 2014. Harco only distributed opioids to Rite Aid stores.

3. As the Court is aware, Rite Aid is or has been a defendant in five bellwether case tracks, including three active case tracks (Montgomery County, Cobb County, and Durham

County). As such, Rite Aid is an active participant in the MDL, and Harco respectfully submits that as a member of the Rite Aid corporate family, it should not be required to participate in a process for litigating or resolving claims against defendants that are not currently participating in MDL bellwether cases.

4. Accordingly, Harco respectfully requests that the Court enter an order excusing it from attending the June 22, 2022 status conference and from submitting a joint status report on June 20, 2022.

Dated: April 29, 2022

Respectfully submitted,

/s/ Kelly A. Moore

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on April 29, 2022.

/s/ Kelly A. Moore

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